

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

DATED, THE 26TH DAY OF OCTOBER 2016

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
O.P.NO.363 OF 2016

In the matter of Indian
Succession Act XXXIX of 1925
and

In the matter of Debts
of Prasathammal- Deceased
Intestate

1.R.Suresh,
S/o.Late Rajan,
residing at No.12961,
Housing Board,
Kannaki Nagar, Okkiyam Thuraipakkam,
Chennai 600 097

2.Mrs.Sujatha,
Wife of Babu
residing at No.8,
2nd Main Road, Kathivakkam,
Chennai 600 057

...Petitioners

Original Petition praying that this Hon'ble Court may
be pleased to grant succession certificate to and in favour
of the petitioners herein with power to collect the debts
and to receive interest, if any specified in the schedule
hereunder

schedule

DEBTS

S.NO	NAME OF DEBTOR	AMOUNT TO BE CLAIMED	LETTER OF GARNISHEE
1	Director and Superintendent Zonal Ophthalmic and Govt. Ophthalmic Hospital, Chennai 600 008	Rs.1,50,000/	Dated 20.11.2015 and 19.01.2016

This original petition coming on this day before this Court the Court made the following order:-

This Petition has been filed under Section 372 of the Indian Succession Act read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the petitioners.

2.Heard the learned counsel for the petitioners.

3.It is the case of the petitioners that Prasathammal died on 30.04.2014 at Sree Ramachandra Medical College and Hospital, Porur, Chennai. She was ordinarily residing at No.12961, Housing Board, Kannaki Nagar, Okkiyam Thuraipakkam, Chennai - 97. The deceased was an employee of Government Ophthalmic Hospital, Chennai - 8. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The petitioners are the son and daughter of the deceased. The deceased left behind the schedule mentioned properties. The husband of the deceased predeceased her. The petitioners are the only legal heirs of the deceased and the first petitioner was

nominated by the deceased to receive the death cum retirement benefits from her employer. The succession certificate is required for the purpose of claiming the monetary benefits standing to the credit of the deceased and for applying employment on compassionate grounds and also for claiming a share in the estate of the deceased. The assets in respect of which the succession certificate is required are of the value of Rs.1,50,000/- No application for a succession certificate has been made to any District Court or delegate or to any High Court. Hence, the petitioners have approached this Court for grant of succession certificate in their names with power to collect the debts and to receive the interest specified in the schedule.

4.The first petitioner examined himself as P.W.1 and marked Exs.P1 to P5 viz.,

Ex.P1 is the computer generated death certificate of the petitioner's mother Prasathammal, who died on 30.04.2014.

Ex.P2 is the photocopy of the legal heirship certificate dated 07.10.2015 in respect of the petitioner's deceased mother Prasathammal.

Ex.P3 is the photocopy of the letter dated 20.11.2015 sent by the office of the Director and Superintendent, Government Ophthalmology Hospital, Chennai - 8 to the first petitioner.

Ex.P4 is the photocopy of the letter dated 19.01.2016 sent by the office of the Director of Superintendent,

Government Ophthalmology Hospital, Chennai - 8 to the first petitioner.

Ex.P5 is a copy of paper publication effected in one issue of Tamil Daily Thina Boomi dated 15.06.2016.

He has further stated in his evidence that he has not filed any other petition before any other Court seeking the same relief.

5.Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the petitioners have succeeded the Estate of the deceased Prasathammal. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power to collect the debts and to receive the interest specified in the schedule, is issued. The petitioners are directed to render account once in a year.

सत्यमेव जयते

sd/.M.M.S.J

26.10.2016

//Certified to be a true copy//

Dated this the day of 2017

R.s/24.01.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.